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SCIENTIFIC-ATLANTA, INC.  
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EXAMINER
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SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 10/05/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/592,405

Applicant(s)

ADDINGTON ET AL.

Examiner

Annan Q Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/02-19-02  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9 and 11-25, are rejected under 35 U.S.C. 102(e) as being anticipated by **Del Sordo et al (6,718,374)**.

As to claim 1, note the **Del Sordo et al** reference figures 1, 2 and 4, disclose method and system for identifying programming code and downloading appropriate software or formware specific to a particular model set-top box in a cable television system and further disclose in a subscriber television system, a method for determining at a decoder (Set Top Terminals, 300) a service group associated with the decoder, the subscriber television system including a headend (CATV-HE), at least one node, and a transmission medium for transmitting signals between the headend, any nodes, and the decoder, the method comprising the steps of:

the claimed "retrieving a service group table from a signal on the transmission medium," "retrieving tuning information from the service group table..." and "tuning to a frequency retrieved from the tuning informing" are met by Processor 321 of Set-Top Terminal (STT) 300 "decoder" (figs. 3, 4, col. 3, line 62-col. 4, line 9 and col. 8, lines 30-

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50), note that Cable Television Headend (CATV-HE) broadcasts different or variety of programming objects or services, such as: TV channels, Pay-per-view (PPV), VOD, Internet Access, Email, etc., "service group" of channels containing "tuning information..." (col. 1, lines 33-59) to different classes of STT(S) 300, and upon power up or initialization (col. 4, lines 10-19) STT(S) 300 receives a table of carrier frequencies (col. 8, lines 36-41) and identifies an appropriate control channel frequency from the stream of control packets, tunes to the a frequency and downloads the correct objects from among the objects (col. 4, lines 10-26 and lines 27-51); note that CATV-HE customizes specific group of services to a specific or subset(s) of STT(S) 300 (col. 5, lines 3-13 and col. 11, 5-24) and the downloaded code objects, specific to a STT(S) 300 permits the STT(S) 300 to function within a specific programming resident in different classes of STT(S) to provide the services purchased by subscribers;

the claimed "determining if a valid signal is present at the tuned frequency..." is met by Processor 321 (fig. 2 and col. 6, line 64-col. 7, line 8 and line 53-63) which further determines if a valid signal is detected at the tuned frequency, by tuning to each of the table of carries frequencies in turn for a predetermined period of time and hunting for the control channel and if a valid signal is detected, downloading objects, and designating the service group from the service group table associated with the tuned frequency as the service group table for the specific STT(S) 300 (col. 7, line 64-col. 8, line 19), note that the STT(S) can identify the packets for the objects, receive all the packets regardless of the order, obtain all the packets specific to the STT(S) or subset(s) of STT(S) and reassemble and store the packetized object, furthermore these

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process is repeated for all the remaining table of carrier frequencies until a valid signal is detected, and designating the service group of subsequent frequency with the valid signal as the service group for the decoder (col. 7, lines 53-63, col. 8, lines 20-44, col. 9, line 50-col. 10, line 9 and col. 11, lines 5-34).

As to claim 2, Del Sordo further discloses comparing, prior to storing the associated service group, the associated service group with a currently stored associated service group stored in the decoder and, if the associated service group and the currently stored associated service group are different, transmitting to the headend from the STT(S) 300 a message with the associated service group (col. 5, lines 3-13 and col. 9, lines 40-64 and col. 11, lines 5-38), note that the CATV-HE checks STT(S) 300 for the currently stored services group and its able to delete existing base platform object and re-initialize or upgrade to a newer version or based on specific changes communicated to CATV-HE by the subscriber (col. 8, lines 20-28).

As to claim 3, Del Sordo further discloses determining whether the tuned frequency includes an MPEG TS (col. 8, lines 36-50).

As to claim 4, Del Sordo further discloses determining a TS identification of the valid signal, and using the TS identification to determine the associated service group, where the service group table, includes at least one TS identification associated with each frequency listed in the service group table (col. 7, line 53-col. 8, line 9, lines 30-59 and col. 9, lines 1-28).

As to claim 5, Del Sordo further discloses where STT(S) 300 is home communication terminal, a television or a computer (col. 3, line 62-col. 4, line 9 and col. 5, lines 1-13).

As to claim 6, note the **Del Sordo et al** reference figures 1, 2 and 4, disclose method and system for identifying programming code and downloading appropriate software or firmware specific to a particular model set-top box in a cable television system and further disclose in a subscriber television system, a method for determining at a decoder (Set Top Terminals, 300) a service group associated with the decoder, the subscriber television system including a headend, at least one node, and a transmission medium for transmitting signals between the headend, any nodes, and the decoder, the method comprising the steps of:

the claimed "creating, at the headend, a service group table for the subscriber television system," "causing to be transmitted, from the headend, the service group table..." are met by Cable Television (CATV) Headend (figs. 3, 4, col. 3, line 62-col. 4, line 9 and col. 8, lines 30-50), which creates and broadcasts a service group table of different or variety of programming objects or services, such as: TV channels, Pay-per-view (PPV), VOD, Internet Access, Email, etc., "service group" (col. 1, lines 33-59) to different classes of STT(S) 300 "decoders," where STT(S) 300 receives a table of carrier frequencies and identifies an appropriate control channel frequency from the stream of control packets, tunes to the a frequency and downloads the correct objects from among the objects (col. 4, lines 10-26 and lines 27-51); note that CATV Headend customizes specific group of services to a specific or subset(s) of STT(S) 300 (col. 5,

lines 3-13 and col. 11, 5-24) and the downloaded code objects, specific to a STT(S) 300 permits the STT(S) 300 to function within a specific programming resident in different classes of STT(S) to provide the services purchased by subscribers;

CATV Headend receives a message from at least one STT(S) where the message includes a particular service group of variety or different services at the STT(S) and records at CATV Headend the relationship of the STT(S) to the associated services type (col. 1, lines 33-67, col. 5, lines 26-53 and col. 11, lines 5-30), note that STT(S) transmits requests for variety of services to CATV Headend, where the CATV Headend records the requests for specific services and transmits a transports stream of services, which enables the STT(S) 300 to hunt for a control channel, tune to the channel and download services specific to the STT(S) or subset(s) of STT(S).

Claim 7, is met as previously discussed with respect to claim 3.

Claim 8, is met as previously discussed with respect to claim 5.

As to claim 9, note the **Del Sordo et al** reference figures 1, 2 and 4, disclose method and system for identifying programming code and downloading appropriate software or formware specific to a particular model set-top box in a cable television system and further disclose a modulator for transmitting a service group table in a subscriber television system, the modulator comprising:

the claimed "a means for creating a service group table and a transmitter for transmitting a service group table" is met by Cable Television (CATV) Headend (figs. 3, 4, col. 3, line 62-col. 4, line 9 and col. 8, lines 30-50), which creates, stores and CATV Headend channel modulators (CATV-CH-MODs), modulates the signals to appropriate

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signals within the channels and transmits a service group table of different or variety of programming objects or services, such as: TV channels, Pay-per-view (PPV), VOD, Internet Access, Email, etc., "service group" (col. 1, lines 33-59) to different classes of STT(S) 300, where STT(S) 300 receives a table of carrier frequencies and identifies an appropriate control channel frequency from the stream of control packets, tunes to the a frequency and downloads the correct objects from among the objects (col. 4, lines 10-26 and lines 27-51); note that CATV Headend customizes specific group of services to a specific or subset(s) of STT(S) 300 (col. 5, lines 3-13 and col. 11, 5-24) and the downloaded code objects, specific to a STT(S) 300, and permits STT(S) 300 to function within a specific programming resident in different classes of STT(S) 300 to provide the services purchased by subscribers.

As to claim 11, Del Sordo further discloses where the modulator further includes a means responsive to commands for controlling the creations of the service group table (col. 9, lines 50-64 and col. 11, lines 5-30)

Claim 12, is met as previously discussed with respect to claim 3.

As to claim 13, note the **Del Sordo et al** reference figures 1, 2 and 4, disclose method and system for identifying programming code and downloading appropriate software or formware specific to a particular model set-top box in a cable television system and further disclose a decoder (Set Top Terminals, 300) capable of determining its association with a service group of a subscriber television system, the subscriber television system having a headend, at least one node, the decoder, and a transmission

medium for transmitting signals between the headend, the at least one node, and the decoder comprising:

the claimed “a tuner for tuning to a signal received from a transmission medium” is met by Tuner 323 (fig. 3 and col. 8, lines 20-35);

the claimed “means for retrieving a service group table from a signal on the transmission medium,” “means for retrieving tuning information from the service group table...” and “means for causing the re-tuning to a frequency retrieved from the tuning informing” are met by Processor 321 of Set-Top Terminal (STT) 300 “decoders” (figs. 3, 4, col. 3, line 62-col. 4, line 9 and col. 8, lines 30-50), note that Cable Television (CATV) Headend broadcasts different or variety of programming objects or services, such as: TV channels, Pay-per-view (PPV), VOD, Internet Access, Email, etc., “service group” of channels containing “tuning information...” (col. 1, lines 33-59) to different classes of STT(S) 300, where Tuner 323 of STT(S) 300 receives a table of carrier frequencies and and Processor 321 identifies an appropriate control channel frequency from the stream of control packets, tunes and re-tunes to the a frequency and downloads the correct objects from among the objects (col. 4, lines 10-26 and lines 27-51) and enables CATV-HE customizes specific group of services to a specific or subset(s) of STT(S) 300 (col. 5, lines 3-13 and col. 11, 5-24), furthermore the downloaded code objects, specific to a STT(S) 300, permits the STT(S) 300 to function within a specific programming resident in different classes of STT(S) to provide the services purchased by subscribers;

the claimed “means for determining if a valid signal is present at the tuned frequency...” is met by Processor 321 (fig. 2 and col. 6, line 64-col. 7, line 8 and line 53-

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63) which further determines if a valid signal is detected at the tuned frequency, by tuning to each of the table of carries frequencies in turn and hunting for the control channel and if a valid signal is detected, downloading objects, and designating the service group from the service group table associated with the tuned frequency as the service group table for the specific STT(S) 300 (col. 7, line 64-col. 8, line 19), note that the STT(S) can identify the packets for the object, receive all the packets regardless of the order, obtain all the packets specific to the STT(S) or subset(s) of STT(S) and reassemble and store the packetized object, furthermore these process is repeat for all the remaining table of carrier frequencies until a valid signal is detected, and designating the service group of subsequent frequency with the valid signal as the service group for the decoder (col. 7, lines 53-63, col. 8, lines 20-44, col. 9, line 50-col. 10, line 9 and col. 11, lines 5-34).

As to claim 14, the claimed "memory for storing a currently associated service group" is met by Memory 301 (col. 4, lines 10-15, lines 27-42 and col. 8, lines 30-45), Del Sordo further determines if the service group associated with the at least one frequency is the same as the currently associated service group and, if it is not, replacing the currently associated service group in the memory with the service group associated with the at least one frequency (col. 5, lines 1-20, col. 9, lines 1-28 and col. 11, lines 5-30).

As to claim, Del Sordo further determines where STT(S) 300 includes a transmitter for transmitting the service group via the cable network transmission medium to CATV-HE (col. 5, lines 3-13, lines 45-57 and col. 9, line 50-col. 10, line 9).

Claim 16, is met as previously discussed with respect to claim 5.

As to claim 17, note the **Del Sordo et al** reference figures 1, 2 and 4, disclose method and system for identifying programming code and downloading appropriate software or firmware specific to a particular model set-top box in a cable television system and further disclose system controller for causing to be stored and updated a database of a service group association for each a plurality of decoders (Set Top Terminals, STT 300) of a subscriber television system, the subscriber television system having a Headend, at least one node, plurality of decoders, and a transmission medium for transmitting signals between the Headend, the at least one node, and the plurality of decoders, the system controller comprising:

the claimed "means for causing to be stored the database of service group for each of the plurality of decoders," "means for causing the creation of service group table for the subscriber television system," "means for causing the headend to transmit the service group table to at least one of the plurality of the decoders..." are met by Cable Television (CATV) Headend (figs. 3, 4, col. 3, line 62-col. 4, line 9 and col. 8, lines 30-50), which creates, stores and transmits to at least one of a plurality of decoders a service group table of different or variety of programming objects or services, such as: TV channels, Pay-per-view (PPV), VOD, Internet Access, Email, etc., "service group" (col. 1, lines 33-59) to different classes of STT(S) 300 "decoders", where STT(S) 300 receives a table of carrier frequencies and identifies an appropriate control channel frequency from the stream of control packets, tunes to the a frequency and downloads the correct objects from among the objects (col. 4, lines 10-26 and lines 27-51) and

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customizes specific group of services to a specific or subset(s) of STT(S) 300 (col. 5, lines 3-13 and col. 11, 5-24), where the "transmission medium" is a cable network; note that the downloaded code objects, specific to a STT(S) 300 permits the STT(S) 300 to function within a specific programming resident in different classes of STT(S) to provide the services purchased by subscribers;

CATV Headend receives STT(S) 300 statistics or services purchased "a message" from at least one STT(S) where the message includes a particular service group of variety or different services at the STT(S) and records at CATV Headend the relationship of the STT(S) to the associated services type (col. 1, lines 33-67, col. 5, lines 26-53 and col. 11, lines 5-30), note that STT(S) transmits requests for variety of services to CATV Headend, where the CATV Headend records the requests for specific services and transmits a transports stream of services, which enables the STT(S) 300 to hunt for a control channel, tune to the channel and download services specific to the STT(S) or subset(s) of STT(S), note further the CATV Headend periodically updates its database responsive to the service group associated with at least one STT being different from a stored service group association for at least one of the plurality of STT(S) and periodically re-programs or upgrades each or subset(s) of STT(S) 300 to meet its demand (col. 5, lines 3-13 and col. 11, lines 5-38).

Claim 18, is met as previously discussed with respect to claim 5.

As to claim 19, note the **Del Sordo et al** reference figures 1, 2 and 4, disclose method and system for identifying programming code and downloading appropriate software or firmware specific to a particular model set-top box in a cable television

system and further disclose a system controller for determining services group associations of a plurality of modulators (CATV Headend channel modulators) in a subscriber television system, the subscriber television system having a headend (CATV Headend), at least one node, the plurality of modulators, plurality of decoders (Set-Top-Terminals, STT(S) 300), a set of audit designated decoders (subset of STT(S) 300), and a transmission medium (Cable TV network) for transmitting signals between the headend, the at least one node, the set of audit designated decoders, and the plurality of decoders, the system controller comprising:

the claimed "means for storing and updating a database of frequencies, related transport stream identities, and associated services group identities for a plurality of modulators," means for causing the creation of a modulator tuning table for the subscriber television..." and "means for causing to be transmitted, from the headend, the modulator tuning table via the transmission medium at least one of the set of audit designated decoders," are met CATV Headend channel modulators (CATV-HE-MOD) (figs. 3, 4, col. 3, line 62-col. 4, line 9 and col. 8, lines 30-50), note that CATV Headend stores and updates a database of frequencies, related transport stream identities and associated services group identities for each of CATV-HE-MODs, audits at least one STT 300 or subset of STTS 300 and customizes specific group of services to a specific or subset(s) of STT(S) 300 "set of audit designated decoders" (col. 5, lines 3-13 and col. 11, 5-24); and broadcasts a service group table of different or variety of programming objects or services, such as: TV channels, Pay-per-view (PPV), VOD, Internet Access, Email, etc., "service group" (col. 1, lines 33-59) to different classes of STT(S) 300,

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where STT(S) 300 receives a table of carrier frequencies and identifies an appropriate control channel frequency from the stream of control packets, tunes to the a frequency and downloads the correct objects from among the objects in the transport stream (TS) (col. 4, lines 10-26 and lines 27-51); note that the downloaded code objects, specific to a STT(S) 300 permits the STT(S) 300 to function within a specific programming resident in different classes of STT(S) to provide the services purchased by subscribers;

the claimed "means for receiving a message from at least one of the set of audit designated decoders..." and "means for causing the updating of the database responsive to the related transport stream identities associated with at least one audit designated decoder," are met by CATV Headend (col. 1, lines 33-67, col. 5, lines 26-53 and col. 11, lines 1-30) which receives a message from at least one STT(S) 300 or subset of STT(S) 300 and updates the database responsive to TS identities associated at least STT(S) 300, where the message includes related TS identities (col. 8, lines 30-59) determined by STT 300 based on tuning the frequencies related to each of the plurality of CATV-HE-MODs, locating a valid TS related to the to the tuned frequency, and retrieving a related TS identification from the TS (col. 5, lines 3-25); note that STT(S) transmits requests for variety of services to CATV Headend, where the CATV Headend records the requests for specific services and transmits a TS of services, which enables the STT(S) 300 to hunt for a control channel, tune to the channel and download specific services purchased by the STT(S) or subset(s) of STT(S).

As to claim 20, Del Sordo further discloses where one of the set of audit STT(S) 300 is also one of the plurality of STT(S) 300 (col. 11, lines 5-30).

As to claim 22, Del Sordo further discloses where the set of audit STT(S) 300 and STT(S) 300 are home communications terminals, television or computers (col. 3, line 62-col. 4, line 9 and col. 5, lines 1-13).

As to claim 22, the **Del Sordo et al** reference figures 1, 2 and 4, disclose method and system for identifying programming code and downloading appropriate software or firmware specific to a particular model set-top box in a cable television system and further disclose in a method of using one of a set of designated audit decoders (Set-Top Terminal (STT) 300) at specific locations within a subscriber television system to define a service group, the subscriber television system having a headend (CATV-HE), at least one node, the plurality of modulators, plurality of decoders (Set-Top-Terminals, STT(S) 300), a set of audit designated decoders (subset of STT(S) 300), and a transmission medium (Cable TV network) for transmitting signals between the headend, the at least one node, the set of audit designated decoders, and the plurality of decoders, the method comprising:

the claimed "establishing, in the headend, a modulator tuning table listing available subscriber television system frequency associated with the plurality of modulators," "transmitting the modulator tuning table from the headend on the transmission medium to at least one of the set of audit designated decoders" are met by CATV-HE (figs. 3, 4, col. 1, lines 33-53 and col. 3, line 62-col. 4, line 9); which includes CATV-HE Channel Modulators (CATV-HE-MODs) and establishes in the CATV Headend, a modulator tuning table listing available subscriber television system frequency associated with a plurality of modulators and transmits the modulator tuning

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table from CATV-HE on a cable-TV transmission medium to at least one of the STT(S) 300 "set of audit designated decoders;" (col. 5, lines 3-13, lines 46-61 and col. 8, lines 30-50); note that Cable Television (CATV) Headend broadcasts different or variety of programming objects or services, such as: TV channels, Pay-per-view (PPV), VOD, Internet Access, Email, etc., "service group" of channels containing "tuning information...";

the claimed "retrieving the modulator tuning table at the at least one audit designated decoder," "tuning, at least one audit designated decoder, to each frequencies listed in the modulator tuning table and, if a valid signal is detected, retrieving an associated Motion Picture..." is met by Set Top Terminal (STT) 300 (col. 5, lines 26-57, col. 7, lines 53-63 and col. 8, lines 30-50), note that STT(S) 300, includes Central Processor 321, and upon power up or initialization (col. 4, lines 10-19) STT(S) retrieves the modulator tuning table of carrier frequencies (col. 8, lines 36-41) at the STT 300, identifies an appropriate control channel frequency from the stream of control packets, tunes to the a frequency and downloads the correct objects from among the objects (col. 4, lines 10-26 and lines 27-51), specific to a STT(S) 300 or subset(s) STT(S), and permits the STT(S) 300 to function within a specific programming resident in different classes of STT(S) to provide the services purchased by subscriber; furthermore it also determines if a valid signal is present by tuning to each of the table of carrier frequencies in turn for a predetermined period of time and retrieves an associated Motion Picture Experts Group (MPEG) transport stream (TS) (col. 8, lines 20-50) identity for the tuned frequency; transmits to CATV-HE the retrieved associated

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TS identities for the tuned frequency associated with the at least one STT 300 and defines as the service group, the subset of CATV-HE-MODs associated with the TS identities of the tuned frequencies with a valid signal of the at least one STT(S) 300 and associated with a specific location of the at least one STT(S) 300 (col. 11, lines 5-38); note that the STT(S) can identify the packets for the objects, receive all the packets regardless of the order, obtain all the packets specific to the STT(S) or subset(s) of STT(S) and reassemble and store the packetized object, furthermore these process is repeated for all the remaining table of carrier frequencies until a valid signal is detected, and designating the service group of subsequent frequency with the valid signal as the service group for the decoder (col. 9, line 50-col. 10, line 9).

Claim 23, is met as previously discussed with respect to claim 18.

As to claim 24, Del Sordo further discloses defining all the service groups of the subscriber television system based on the subset of modulators associated with the TS identifies of the tuned frequencies with a valid signal and associated specific location of each of the set of audit STT(S) (col. 7, line 64-col. 8, line 9).

Claim 25, is met as previously discussed with respect to claim 22.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Del Sordo et al (6,718,374) as applied to claim 9 above, and in view of Yamashita (6,622,303).

As to claim 10, Del Sordo fails to explicitly teach where the CATV-HE-MOD is a Quadrature Amplitude Modulation (QAM) modulator.

However, note Yamashita reference figure 4, teaches a digital broadcasting transmitting method and apparatus which uses QAM modulators to modulate the signals to the channel bandwidth.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Yamashita into the system of Del Sordo to provide QAM modulators to modulates the various signals, for high spectral efficiency and low bit error rate.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Eyer et al (6,401,242) disclose method and apparatus for designating a preferred source to avoid duplicative programming services.

Etheredge (6,172,674) discloses smart filtering.

Staron (5,805,230) discloses method for automatic programming of a tuner and device for implementation of the method.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q Shang** whose telephone number is **703-305-2156**. The examiner can normally be reached on **700am-500pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W Miller** can be reached on **703-305-4795**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.



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